

## The Honorable Tana Lin

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

## IMMERSION CORPORATION,

Case No. 2:23-cv-00712-TL

Plaintiff,

V.

## VALVE CORPORATION,

**DECLARATION OF GAVIN SKOK IN  
SUPPORT OF MOTION TO VACATE  
INITIAL DEADLINES**

**Defendant.**

I, Gavin Skok, declare as follows:

1. I am one of the attorneys representing Defendant Valve Corporation (“Valve”) in the above-captioned matter. I am over the age of 18 and am competent to testify about the matters set forth herein. I make this declaration based on personal knowledge.

2. On June 9, 2023, the Initial Scheduling Order (Dkt. #24) set deadlines for the parties to conduct a FRCP 26(f) conference (July 7, 2023) and exchange FRCP 26(a) initial disclosures (July 21, 2023) that occurred before the deadline for Valve to respond to the Complaint (July 24, 2023), with the joint status report being due shortly afterward before resolution of any motions on the pleadings or a response to any counterclaim. Accordingly, on June 12, 2023 I reached out to Immersion’s counsel by email to propose that the parties submit a joint request to vacate the deadlines in the Initial Scheduling Order in light of the recent

extension of time for Valve to respond to the Complaint, and suggest the parties ask the court to reset those deadlines at a later date once it was clear how Valve responded to the Complaint (by answer, by motion, counterclaims, etc.). Immersion’s counsel (Stefan Szpajda) responded that “we’re fine with this in concept” and invited Valve to propose a stipulation in connection with the parties’ negotiation of a protective order to clarify the specifics. A true and correct copy of the June 12-13, 2023 emails between me and Immersion’s counsel is attached hereto as Exhibit A.

3. Valve understood from that email exchange that the parties were in agreement on vacating the deadlines, so I sent a proposed stipulated motion to vacate to Immersion’s counsel on June 23, 2023, for their review and finalizing. Immersion’s counsel did not oppose the stipulated motion or vacating the initial deadlines at that time or raise or oppose it during a June 27, 2023 meet and confer between the parties regarding various issues.

4. I spoke with Immersion’s counsel (Stefan Szpajda) by telephone on in a July 3, 2023 telephone call about various issues. During that conference, Immersion’s counsel told me that notwithstanding the prior exchanges, Immersion now declined to stipulate to vacate the initial case schedule deadlines. Immersion’s counsel suggested Immersion might be open to some brief extension of deadlines but Immersion gave no details and made no proposal. Nor would Immersion agree to a courtesy extension of the deadlines for sufficient time to resolve this Motion.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 3<sup>rd</sup> day of July, 2023.

/s/ Gavin Skok  
Gavin Skok

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**CERTIFICATE OF SERVICE**

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3 I certify that I am a secretary at the law firm of Fox Rothschild LLP in Seattle,  
 4 Washington. I am a U.S. citizen over the age of eighteen years and not a party to the within  
 5 cause. On the date shown below, I caused to be served a true and correct copy of the foregoing  
 6 on counsel of record for all other parties to this action as indicated below:

<b><u>Service List</u></b>	
8 Stefan Szpjda, WSBA #50106 Cristofer Leffler, WSBA #35020 Sam Kim Palani P. Rathinasamy C. Maclain Wells Davis Schumann Alexandra Olwen Fellowes FOLIO LAW GROUP PLLC 1200 Westlake Ave. N., Ste. 809 Seattle, WA 98109 Ph. 206-880-1802 <a href="mailto:stefan@foliolaw.com">stefan@foliolaw.com</a> <a href="mailto:cres.leffler@foliolaw.com">cres.leffler@foliolaw.com</a> <a href="mailto:sam.kim@foliolaw.com">sam.kim@foliolaw.com</a> <a href="mailto:palani@foliolaw.com">palani@foliolaw.com</a> <a href="mailto:maclain@foliolaw.com">maclain@foliolaw.com</a> <a href="mailto:david.schumann@foliolaw.com">david.schumann@foliolaw.com</a> <a href="mailto:Alexandra.fellowes@foliolaw.com">Alexandra.fellowes@foliolaw.com</a>	9 10 11 12 13 14 15 16 17 18
<i>Attorneys for Plaintiff</i>	<input type="checkbox"/> Via US Mail <input type="checkbox"/> Via Messenger <input checked="" type="checkbox"/> Via CM/ECF / Email <input type="checkbox"/> Via over-night delivery

19 I declare under penalty of perjury under the laws of the State of Washington that the  
 20 foregoing is true and correct.

21 EXECUTED this 3<sup>rd</sup> day of July, 2023, in Seattle, Washington.

23 \_\_\_\_\_  
 24 /s/ Veronica Magda  
 25 Veronica Magda  
 26

## EXHIBIT A

## Magda, Veronica

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**Subject:** FW: Valve call

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**From:** Stefan Szpjajda <[stefan@foliolaw.com](mailto:stefan@foliolaw.com)>  
**Sent:** June 13, 2023 3:06 PM  
**To:** Skok, Gavin W. <[gskok@foxrothschild.com](mailto:gskok@foxrothschild.com)>  
**Cc:** Cris Leffler <[cris.leffler@foliolaw.com](mailto:cris.leffler@foliolaw.com)>  
**Subject:** [EXT] RE: Valve call

Thanks. I'm not sure exactly what you mean by "once next steps are more clear," but we're fine with this in concept. Once we have the PO on file, please send across a proposal and we'll revert with any comments we have after we see exactly what you have in mind.

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**From:** Skok, Gavin W. <[gskok@foxrothschild.com](mailto:gskok@foxrothschild.com)>  
**Sent:** Monday, June 12, 2023 3:12 PM  
**To:** Stefan Szpjajda <[stefan@foliolaw.com](mailto:stefan@foliolaw.com)>  
**Cc:** Cris Leffler <[cris.leffler@foliolaw.com](mailto:cris.leffler@foliolaw.com)>  
**Subject:** RE: Valve call

[EXTERNAL] This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stefan –

I appreciate you checking in. We are working on the protective order. Separately, we received an administrative order on Friday setting the deadlines for the 26(f) conference and 26(a) disclosures before the deadline to respond to the complaint and the JSR shortly after that deadline. I expect this was sent by the deputy not realizing that Judge Lin had just extended the time to respond to the complaint. I suggest we submit a joint request to strike those deadlines, to be reset later once next steps are more clear. Does Immersion agree? If so, I can put together a short joint request.

Many thanks,  
Gavin